

PETTY OFFENSE PO <input type="checkbox"/>	JUDGE/MAGISTRATE Assigned	U.S. vs.	Case Filed Mo. Day	Yr.	Docket No.	Def.
OTHER MINOR OFFENSE MO <input type="checkbox"/>	1087 / 5	8508	3 / 4	80	80-00034	01
OTHER MISDEMEANOR Mis <input type="checkbox"/>	Dist. Office	Disp./Sentence	No. of Def's			
FELONY Fel <input checked="" type="checkbox"/>	8709	8709	* 1			

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:876	Mailing threatening communication through U.S. Postal Service	Ct 1 1
CLOSED MAY 13 1980		

## II. KEY DATES &amp; INTERVALS

ARREST or	INDICTMENT <input checked="" type="checkbox"/>	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began	Information <input type="checkbox"/>	3-7-80	Voir Dire <input checked="" type="checkbox"/>	Disposition of Charges
Summons Served	3-4-80	1st Plea	4-14-80	4-15-80
First Appearance	Indict. Waived <input type="checkbox"/>	3-7-80	Trial Began <input checked="" type="checkbox"/>	5-13-80
3-7-80	In Charging District	Final Plea	4-14-80	On All Charges <input type="checkbox"/>
	Superseding <input type="checkbox"/>		4-15-80	On Lesser * <input type="checkbox"/>
	Indict/Info <input type="checkbox"/>			Dismissed: <input type="checkbox"/>
				WOP: <input type="checkbox"/>
				WP <input type="checkbox"/>
				On Government's Motion <input type="checkbox"/>

MAGISTRATE		INITIAL/NO.	OUTCOME:
Search Warrant	Issued	DATE	INITIAL/NO.
Summons	Issued	2-7-80	87 AK
Arrest Warrant Issued	Return	2-7-80	87 AK
COMPLAINT	Served	Threat by mail	JS-2 MAILED: 3-31-80
OFFENSE (In Complaint)		18:876	JS-3 MAILED: 5-31-80

U.S. Attorney or Asst.

Larry D. Patton, USA  
Susie Pritchett, AUSA

## ATTORNEYS

Roy W. Byars

PATRICIA J. VILLAREAL (7-24-85)

\* Show last names and suffix numbers of other defendants on same indictment/information.

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY
			(a) (b) (c) (d)
	DFT ADDRESS	ATTY ADDRESS	SURETY
	Robert E. Cotner	500 West 7th	
	Pro Se, 04372-062-F.C.T.	Tulsa, OK 74119	
	Unit E-Box-7000	(918/582-6261)	
	Texarkana, TX--75501		
	Robert Eugene Cotner	PATRICIA J. VILLAREAL	
	No. 93780, Box 220	2300 LTV Center	
	Stringtown, OK--74569	2001 Ross Avenue	
		Dallas, TX 75201	
	#93780 C-3-26	214/220-3939	
	P. O. Box 97		
	McAlester, OK 74502-0097		

OPPOSITE THE APPLICABLE DATE, LITIGANT'S SHOW, IN SECTION IV, ANY OCCURRENCE OF EXCLUDABLE DELAY PER 18 USC § 3161(h)

CR 80-34 DE

LETTER CODES

- For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
- A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
  - B. NARA Examination (28 U.S.C. 2502).
  - C. State or Federal trials on other charges.
  - D. Interlocutory Appeals.
  - E. Hearings on pretrial motions.
  - F. Transfers from other districts (per F.R.C.P. Rules 20, 21 & 40).
  - G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
  - H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
  - I. Prosecution deferred by mutual agreement.
  - M. Unavailability of defendant or essential witness.
  - N. Period of mental or physical incompetence of defendant to stand trial.
  - O. Period of NARA Commitment or Treatment.
  - P. Superseding indictment and/or new charges.
  - R. Defendant awaiting trial of Co-defendant when no severance has been granted.
  - T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendant's interests).
  - U. Time between guilty plea and plea withdrawal.
  - W. Grand Jury indictment extended per 3161 (b).

IV. PROCEEDINGS (Continued)		V. EXCLUDABLE DELAY			
DATE	(DOCUMENT NO.)	Interval Section I (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
2-8-80	APPLICATION for Order to compel dft to furnish handwriting exemplers w/brf & Order (Thompson)				
2-12-80	REMOVAL warrant, cert cy dkt sheet, inform sheet & Waiver of Removal Hrg fm ND of OK (Ret Acknowledgment of receipt of docs--lv)				
2-12-80	RETURN of Warrant exec 2-8-80				
2-12-80	RETURN on Warrant of Removal exec 2-12-80				
2-19-80	APPEARANCE of Roy W. Byars on behalf of dft				
2-19-80	MOTION to Strike Prelim Hrg by dft w/Brf				
2-19-80	ENT ORDER striking Prelim Hrg set 2-20-80, 2:00 pm on dft's Mtn to be reset by further order (Lindsey) lv--ws				
2-19-80	ORDER for Psychiatric Exam & for USM to transport dft for exam as specified by Order & for complete rpt to be made to ct (Daugherty) ve--ws				
2-19-80	FINANCIAL AFF by dft				
2-19-80	MOTION by dft for Judicial Determination of Mental Competency				
2-22-80	RETURN by USM on Order to Trans dft to Dr. Prosser for psychiatric exam	A	2-22-80	A	10
3-4-80	INDICTMENT				
3-3-80	PSYCHIATRIC RPT of Dr. Prosser--ws	A	3-3-80	A	
3-5-80	CJA 21 on behalf of Dr. Moonman P. Prosser in amt of \$180.00 (Appvd--Daugherty)				
3-7-80	ENT ARRAIGNMENT: dft apps in per w/pri cnsl; is fully apprised of plea of NOT GUILTY; plea accepted & referred to Prob Ofcr; given until 3-14-80 to file mtngs; plf to respond by 3-21-80; on jury dkt wk of 4-14-80; [REDACTED] (Howland) na				
3-11-80	JURY: 4-14-80, 9:30 am (Daugherty) ve				
4-1-80	ENT ORDER trans case to Judge Eubanks (Daugherty) ve				
3-31-80	MEMORANDUM of Reciprocal Discovery of dft (Appvd--Pritchett)				
4-3-80	PRAECIPE for & Issd 2 subps in blank on behalf of dft				
4-3-80	ORDER that ct finds dft understands the nature of chgs against him & is mentally competent for all purposes to stand trial, & trial of case is to proceed (Daugherty) ws				
4-3-80	ENT EVID HRG ON DETERMINATION OF MENT COMPT: dft pres in person; ct reviews order calling for a psych exam; cnsl has recd cy of Dr. Prosser's rept; by agreemt of cnsl rept is adm in evidence; no addl evid to be presented; cnsl do not wish to cr examine Dr. Prosser; ct finds dft ment compt to stand trial & orders trial to proceed; govt to prepare order (ment compt at this time); dft rem to USM (Daugherty) ve				
4-8-80	PRAECIPE for & Issd 4 subps & 2 subps DT				
4-10-80	MARSHAL'S ret re subp to test to Henry Johnson (exec 4-9-80)				
4-11-80	ENT ORDER trans case to Judge West (Eubanks) dk--ws				
4-14-80	MARSHAL'S ret re Subp to Test to Cynthia Crossland (unexec); & Lance Trimmer (exec 4-9-80)				
4-14-80	ENT JURY TRIAL: dft apps in per; ptys announce ready; jury duly empaneled & admonished; rule invoked on dft's mtn; plf makes opening stmnts; plf presents case in chief w/test of wits; plf's exhs 1-15 adm; dft's exhs 1 & 2 adm; plf rests;				

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

COTNER, ROBERT EUGENE

80 80-00034 01-1  
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
	(CONTINUED) --				
4-14-80	dft's mtn for Judgm of Acquittal denied; dft makes opening stmt; dft presents case in chief w/test of wits; ct adjourns to 9:00 am on 4-15-80 (West) ar				
4-14-80	PROPOSED INSTRUCTIONS of Govt--ws				
4-15-80	ENT FURTHER JURY TRIAL: dft apps in per; pty's announce ready; closing args; ct instructs jury; bailiff sworn; jury retires to deliberate at 9:53; jury rets w/verdict of GUILTY at 10:31; is dischgd; case ref'd to Prob Ofc; dft remanded to USM to await sentencing (West) ar				
4-15-80	NOTE from Jury				
4-15-80	VERDICT of GUILTY /s/ Ray Summers, Foreman				
4-17-80	LETTER fm dft to ct stating intentions to file an appeal & req'g ct apptd atty				
4-17-80	MARSHAL'S ret re Subp to Prod Doc or Obj to Keeper of Records, Soldier of Fortune Magazine (exec April 1980)				
4-21-80	LETTER fm dft to ct req'g audience w/judge and ltr from court to dft denying same w/o presence of dft's atty, govt atty & ct rpt'r & for dft to confer w/his legal cnsl (West) ws				
4-22-80	MARSHAL'S ret re Subp to Test to Frank L. Belletire (exec 4-11-80)				
4-28-80	MARSHAL'S ret re Subp to Prod Doc or Obj to Hazel Hartz (exec 4-9-80)				
5-2-80	LETTER to ct fm Sandi Hudson praising dft's character				
5-2-80	MOTION of dft for New Trial w/ltr attchd--ws				
5-2-80	MOTION by dft for New Trial--ws				
5-2-80	MOTION by dft to Dismiss Indict--ws				
5-2-80	MOTION by dft for Discovery Producing Evidence--ws				
5-8-80	MOTION by dft to Dism Indict w/ltr attchd				
5-8-80	MOTION by dft for Discovery & Producing Evid				
5-8-80	SENTENCING: 5-13-80, 1:00 pm (West) ar				
5-13-80	ENT SENTENCING: dft apps in per w/pri cnsl; dft & cnsl ea asked if there is any reason why sent should not be imposed & if they are to say anything before sent is imposed; stmts made; no cause to the contrary being shown, it is the judgm & order of ct that dft be sent to cust of AG for 2 yrs on ct 1; dft advised of right to appeal; appeal bond set in amt of \$20,000.00 C/S; remanded to USM; dft's mtn for new trial is denied & dft's mtn to dismiss indict is denied (West) ar				
5-13-80	ORDER of Judgment & Commitment (West) (CROB 43)				
5-13-80	NOTICE of dft of Intent to Appeal--ws				
5-13-80	STIPULATION as to Contents of Record on Appeal				
5-13-80	MOTION for Lv to File in FP				
5-13-80	ORDER grtg lv to proceed on appeal in FP (West) ws				
5-14-80	LETTER of Clk re service of notice of appeal, w/cy ltr, notice of appeal & dkt sheet to cnsl & CCofA # 40-1500				
5-15-80	NOTICE of Transcript Order				
5-19-80	MOTION of dft for Transcript				
5-19-80	MOTION of dft for New Hrg				
5-19-80	MOTION of dft to Reconsider Order				
5-23-80	MARSHAL'S ret re Order of Judgm & Commit: dft del to FCI, Texarkana, TX on 5-20-80				

AO 256A

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-19-80	NOTICE of Appeal fm Judgment & Commitment				
6-13-80	REPORTER'S TRANSCRIPT of Jury Trial Proceedings Commencing 4-14-80				
6-18-80	CLERK'S LETTER trans Record on Appeal to CCA (no costs: FP) (CCA #80-1500) (cert 9497519) ws				
6-4-80	MOTION of dft for Default Judgment(w/ltr to dft attchd)				
7-14-80	CJA 21 in amt of \$447.50 on behalf of Steve Plumbtree, CSR (Appvd--West)				
8-4-80	POST-CONVICTION Filing Notification				
8-4-80	MOTION of dft to Vacate, Set Aside, or Cor Sent by a Per in Fed Cust--28:2255--ws				
8-7-80	ORDER denying dft's mtn purs to 28:2255 (West) (CROB 44)				
10-17-80	MOTION of dft for Bond Reduction (unsigned)				
10-17-80	ENT ORDER denying dft's Mtn for Bond Red (West) ar--ws				
11-6-80	NOTICE of Appeal of Denial of Bond Reduction				
11-6-80	ORDER Grtg Lv to Proceed on Appeal in FP (West)				
11-7-80	CLERK'S Letter re Service of Notice of Appeal to CCA w/cys Notice of Appeal, dkt sheet & ltr--ws				
11-7-80	ORDER to prepare supple record on appeal when transcript is lodged--by 12-1-80 if poss/s/ Howard K. Phillips #80-1500				
11-19-80	CLERK'S LETTER trans Record on Appeal re Denial of Bond Red to CCA (no costs: FP) (CCA #80-2199) (cert 9497 536) ws				
11-28-80	REPORTER'S TRANS of Sent Proceedings Had 5-13-80				
12-1-80	CLERK'S LETTER trans Supple Record on Appeal consisting of 2 vols (no clsts--FP) (cert 9497538) ws #80-1500				
3-25-81	PETITION of dft to Clarify Bond Amt, or, in the Alternative, to Reduce--ws				
3-25-81	ENTER ORDER denying dft's Mtn to Reduce & that records indicate bond was set in amt of \$20,000.00 (West) rw--ws				
4-6-81	NOTICE OF APPEAL fm Order Denying Dft's Mtn to Reduce & Correct				
4-6-81	CLERK'S Letter re Service of Notice of Appeal to CCA w/cys Notice of Appeal & Dkt Sheet--ws				
4-7-81	CLERK'S Letter Trans Record on Appeal to CCA consisting of 1 vol (CCA 9497547) (CCA 81-1411) ws				
5-7-81	OPINION of CCA				
5-7-81	MANDATE of CCA dismissing appeal on bond (Barrett, McKay, Logan) (CCA No. 80-2199) ws				
MAY 18 1981	Received orig. Appeal record from CCofA				
8-10-81	OPINION of CCofA				
8-10-81	MANDATE (Dismissed purs to Rule 9 on the Ct's own Mtn) (Barret, McKay & Logan) (CCofA 81-1411)				
10-2-81	OPINION of CCofA				
10-2-81	MANDATE (affirming jdgmt of Ct) (CCofA 80-1500) (Barrett, Seymour, & Brown)				
NOV 12 1981	Received orig. Appeal record from CCofA				
8-17-82	WRIT OF ERROR, by dft, 'Coram Nobis' Post Conviction Application--ws				
8-19-82	ORDER denying dft's appl for a writ of error coram nobis & Clk directed to forward to dft forms as prescribed by this Ct for filing 2255 mtns w/this order (West)--ws				
8-30-82	NOTICE of Appeal & Appeal fm Ct's Order of 8-19-82 Denial of Dft's Wirt of Error Coram Nobis--ws				

AO 256A \*

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

COTNER, ROBERT EUGENE

80 80-00034 1 of 1  
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-1-82	CLERK'S LTR re servicing of Appeal w/cyps to CCofA, USA & dft				
9-2-82	CLERK'S LTR trans Record on Appl consisting of 1 Vol (orig & cpy as is in FP)(Cert #1373961)(CCofA # <u>82-2072</u> ) kb-ws				
9-17-82	MOTION by dft Purs to 28:2255 to Vacate, Set Aside or Correct Sent by a Person in Fed Cust				
9-17-82	POST-CONVICTION Filing Notification-wwm <i>in 82-1516-R</i>				
9-22-82	ORDER denying dft's 2255 motion (West)(CROB 48)				
9-28-82	ENTER ORDER trans Civ 82-1516-R to Jdg. West (Russell)ve				
10-4-82	APPEAL by dft of Order of 9-22-82--ws (CCofA <u>82-2258</u> )				
10-4-82	ORDER Grntg Leave to Proceed on Appl in FP--ws				
10-5-82	CLK'S LTR re servicing Notice of Appl w/cyps ltr, dkt sht to USA & dft (forms to dft)(CCofA _____)				
10-8-82	CLK'S LTR trans Record on Appeal w/cyps of ltr & index to USA & dft -kb				
12-21-82	OPINION of CCofA				
12-21-82	MANDATE (AFFIRMED)(Seth, Barrett & McKay)(CCofA 82-2072)				
12-28-82	Received orig. Appeal record from CCofA #82-2072				
3-3-83	OPINION of CCofA				
3-3-83	MANDATE (AFFIRMED)(SETH, BARRETT & MCKAY)(CCofA 82-2258)				
3-15-83	PETITION for Expungement, by dft -w/s				
3-17-83	PETITION for Re-Enstatement of 2255 Mtn, by dft -w/s				
4-7-83	LETTER fm CCofA notifying that the Ptn for Writ of Cert filed 3-18-83 has been assigned Supr Ct No. 82-6409 (CCofA 82-2258)				
4-7-83	LETTER fm CCofA notifying that the Ptn for Writ of Cert filed 3-11-83 has been assigned Supr Ct No. 82-6403 (CCofA 82-2072)				
4-25-83	LETTER to Clk that petn for writ of cert was denied by an order of the Supr Ct on 4-18-83 /s/HKP (CCofA #82-2072)				
5-9-83	LETTER to Clk that petn for writ of cert was denied by an order of the Supr Ct on 5-2-83 /s/HKP (CCofA #82-2258)				
9-08-83	Received orig. Appeal record from CCofA #82-2258				
09-27-84	ORDER that all exhs be w/drwn w/i 15 days or may be destroyed (WEST)wf				
01-30-85	RECEIPT for Exhs of plf 1 thru 15; all exhs not w/drwn destroyed (CLERK)lr				
07-24-85	AGREED Mtn for Release of PS Report, by dft				
07-29-85	ORDER grntg dft's mtn for release & directing release of a cpy of the PS Report (WEST)rw				
09-26-85	MOTION to Allow Plf to Testify Before Federal Grand Jury, by dft w/s				
08-27-85	MOTION to Correct Presentence Report, or to Expunge it from Record, by dft				
09-12-85	MOTION for Appointment of counsel and Brief in Support, by dft				

Interval  
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